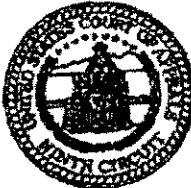




A-11 (rev. 5/00)

Page 1 of 2



UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT
CIVIL APPEALS DOCKETING STATEMENT

PLEASE ATTACH ADDITIONAL PAGES IF NECESSARY.

TITLE IN FULL: RELIANCE INSURANCE COMPANY (IN LIQUIDATION), a Pennsylvania corporation, Plaintiff, vs. THE DOCTORS' COMPANY, a California corporation, Defendant.	DISTRICT: Hawaii	JUDGE: Helen Gillmor
	DISTRICT COURT NUMBER: Civ. #02-00159 HG-BMK	
DATE NOTICE OF APPEAL FILED:	IS THIS A CROSS-APPEAL? <input type="checkbox"/> YES	
	IF THIS MATTER HAS BEEN BEFORE THIS COURT PREVIOUSLY, PLEASE PROVIDE THE DOCKET NUMBER AND CITATION (IF ANY):	

BRIEF DESCRIPTION OF NATURE OF ACTION AND RESULT BELOW: Suit by excess insurance carrier against primary insurance carrier for, inter alia, subrogation, seeking reimbursement of funds paid to settle underlying medical malpractice case. Summary judgment granted in favor of Plaintiff.

PRINCIPAL ISSUES PROPOSED TO BE RAISED ON APPEAL: Whether the district court committed reversible error in granting Plaintiff's motion for summary judgment and dismissing Defendant's counterclaim in setoff.

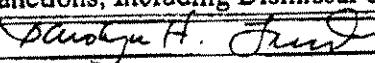
PLEASE IDENTIFY ANY OTHER LEGAL PROCEEDING THAT MAY HAVE A
BEARING ON THIS CASE (INCLUDE PENDING DISTRICT COURT POST-
JUDGMENT MOTIONS): N/A

DOES THIS APPEAL INVOLVE ANY OF THE FOLLOWING:

Possibility of settlement
 Likelihood that intervening precedent will control outcome of appeal
 Likelihood of a motion to expedite or to stay the appeal, or other procedural matters
(Specify) _____

Any other information relevant to the inclusion of this case in the Mediation Program

Possibility parties would stipulate to binding award by Appellate Commissioner in lieu of submission to judges

LOWER COURT INFORMATION			Page 2 of 2
JURISDICTION		DISTRICT COURT DISPOSITION	
FEDERAL	APPELLATE	TYPE OF JUDGMENT/ ORDER APPEALED	RELIEF
<input type="checkbox"/> Federal Question <input checked="" type="checkbox"/> Diversity <input type="checkbox"/> Other (Specify):	<input checked="" type="checkbox"/> Final Decision of District Court <input type="checkbox"/> Interlocutory Decision Appealable As of Right <input type="checkbox"/> Interlocutory Order Certified by District Judge (Specify): <input type="checkbox"/> Other (Specify):	<input type="checkbox"/> Default Judgment <input type="checkbox"/> Dismissal/jurisdiction <input type="checkbox"/> Dismissal/merit <input type="checkbox"/> Summary Judgment <input checked="" type="checkbox"/> Judgment/court Decision <input type="checkbox"/> Judgment/jury Verdict <input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Judgment as a Matter of Law <input type="checkbox"/> Other (Specify):	<input checked="" type="checkbox"/> Damages: Sought \$ 2,000,000 Awarded \$ 2,000,000 <input type="checkbox"/> Injunctions: <input type="checkbox"/> Preliminary <input type="checkbox"/> Permanent <input type="checkbox"/> Granted <input type="checkbox"/> Denied <input checked="" type="checkbox"/> Attorney Fees: Sought \$ Awarded \$ <input checked="" type="checkbox"/> Pending <input type="checkbox"/> Costs: \$
CERTIFICATION OF COUNSEL			
I CERTIFY THAT: <ol style="list-style-type: none"> 1. Copies of Order/Judgment Appealed Form Are Attached. 2. A Current Service List or Representation Statement With Telephone and Fax Numbers Are Attached (See 9th Cir. Rule 3-2). 3. A Copy of This Civil Appeals Docketing Statement Was Served in Compliance with FRAP 25. 4. I Understand That Failure to Comply With These Filing Requirements May Result in Sanctions, Including Dismissal of This Appeal. 			
 Signature		MAR 12 2004 Date	
COUNSEL WHO COMPLETED THIS FORM			
NAME: DAROLYN HATSUKO LENDIO 3577-0			
FIRM: McCorriston Miller Mukai MacKinnon LLP			
ADDRESS: 500 Ala Moana Blvd., Five Waterfront Plaza, 4 th Floor			
E-MAIL: lendio@m4law.com			
TELEPHONE: (808) 529-7300			
FAX: (808) 524-8293			
* This Document Should Be Filed in The District Court With The Notice of Appeal * * If Filed Late, it Should Be Filed Directly With the U.S. Court of Appeals *			